
A BILL FOR AN ACT

RELATING TO AGRICULTURAL COMMERCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to allow
2 agricultural commerce on agricultural land without undue county
3 restrictions.

4 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) Agricultural districts shall include:

7 (1) Activities or uses as characterized by the cultivation
8 of crops, crops for bioenergy, orchards, forage, and
9 forestry;

10 (2) Farming activities or uses related to animal husbandry
11 and game and fish propagation;

12 (3) Aquaculture, which means the production of aquatic
13 plant and animal life within ponds and other bodies of
14 water;

15 (4) Wind generated energy production for public, private,
16 and commercial use;



- 1 (5) Biofuel production, as described in section
2 205-4.5(a)(16), for public, private, and commercial
3 use;
- 4 (6) Solar energy facilities; provided that:
- 5 (A) This paragraph shall apply only to land with soil
6 classified by the land study bureau's detailed
7 land classification as overall (master)
8 productivity rating class B, C, D, or E; and
- 9 (B) Solar energy facilities placed within land with
10 soil classified as overall productivity rating
11 class B or C shall not occupy more than ten per
12 cent of the acreage of the parcel, or twenty
13 acres of land, whichever is lesser, unless a
14 special use permit is granted pursuant to section
15 205-6;
- 16 (7) Bona fide agricultural services and uses that support
17 the agricultural activities of the fee or leasehold
18 owner of the property and accessory to any of the
19 above activities, regardless of whether conducted on
20 the same premises as the agricultural activities to
21 which they are accessory, including farm dwellings as



1 defined in section 205-4.5(a)(4), employee housing,
2 farm buildings, mills, storage facilities, processing
3 facilities, photovoltaic, biogas, and other small-
4 scale renewable energy systems producing energy solely
5 for use in the agricultural activities of the fee or
6 leasehold owner of the property, agricultural-energy
7 facilities as defined in section 205-4.5(a)(17),
8 vehicle and equipment storage areas, and plantation
9 community subdivisions as defined in section
10 205-4.5(a)(12);

11 (8) Wind machines and wind farms;

12 (9) Small-scale meteorological, air quality, noise, and
13 other scientific and environmental data collection and
14 monitoring facilities occupying less than one-half
15 acre of land; provided that these facilities shall not
16 be used as or equipped for use as living quarters or
17 dwellings;

18 (10) Agricultural parks;

19 (11) Agricultural [~~tourism~~] commerce conducted on a working
20 farm, or a farming operation as defined in section
21 165-2, for the enjoyment, education, or involvement of



1 visitors; provided that the agricultural [~~tourism~~]
2 commerce activity is accessory and secondary to the
3 principal agricultural use and does not interfere with
4 surrounding farm operations; [~~and provided further~~
5 ~~that this paragraph shall apply only to a county that~~
6 ~~has adopted ordinances regulating agricultural tourism~~
7 ~~under section 205-5;~~]

8 (12) Agricultural [~~tourism~~] commerce activities, including
9 overnight accommodations of twenty-one days or less,
10 for any one stay within a county; provided that this
11 paragraph shall apply only to a county that includes
12 at least three islands and has adopted ordinances
13 regulating agricultural [~~tourism~~] commerce activities
14 pursuant to section 205-5; provided further that the
15 agricultural [~~tourism~~] commerce activities coexist
16 with a bona fide agricultural activity. For the
17 purposes of this paragraph, "bona fide agricultural
18 activity" means a farming operation as defined in
19 section 165-2;

20 (13) Open area recreational facilities;



- 1 (14) Geothermal resources exploration and geothermal
2 resources development, as defined under section 182-1;
3 and
- 4 (15) Agricultural-based commercial operations, including:
- 5 (A) A roadside stand that is not an enclosed
6 structure, owned and operated by a producer for
7 the display and sale of agricultural products
8 grown in Hawaii and value-added products that
9 were produced using agricultural products grown
10 in Hawaii;
- 11 (B) Retail activities in an enclosed structure owned
12 and operated by a producer for the display and
13 sale of agricultural products grown in Hawaii,
14 value-added products that were produced using
15 agricultural products grown in Hawaii, logo items
16 related to the producer's agricultural
17 operations, and other food items; and
- 18 (C) A retail food establishment owned and operated by
19 a producer and permitted under title 11, chapter
20 12 of the rules of the department of health that
21 prepares and serves food at retail using products



1 grown in Hawaii and value-added products that
2 were produced using agricultural products grown
3 in Hawaii.

4 The owner of an agricultural-based commercial
5 operation shall certify, upon request of an officer or
6 agent charged with enforcement of this chapter under
7 section 205-12, that the agricultural products
8 displayed or sold by the operation meet the
9 requirements of this paragraph.

10 Agricultural districts shall not include golf courses and golf
11 driving ranges, except as provided in section 205-4.5(d).

12 Agricultural districts include areas that are not used for, or
13 that are not suited to, agricultural and ancillary activities by
14 reason of topography, soils, and other related characteristics."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Agricultural Districts; Tourism; Commerce; County Regulation

Description:

Repeals provision requiring counties to adopt ordinances regulating agricultural tourism as a precondition for allowing agricultural tourism activities in an agricultural district. Allows agricultural commerce, rather than agricultural tourism, in an agricultural district. (HB1194 HD1)

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